

# United States Court of Appeals

## FOR THE EIGHTH CIRCUIT

[Neeley Jr v FCC, et al](#), (5:12-cv-5208)(13-1506)

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### STATEMENT WITH RESPECT TO ORAL ARGUMENTS

1. Curtis J Neeley Jr wishes to respectfully inform the Eighth Circuit that *when or if* this matter is reconsidered *en banc*, counselor(s) will represent this extraordinary action and present professional oral arguments to further aid in the extraordinary dispositive issue of requiring regulation of all distant communications when broadcast to the unknown including the [sic] “*open internet*”

### FRAP 32(a)(2)(A)

The Panel affirmed the non-frivolous nature of this appeal and considered the extraordinary importance of this matter. This Panel, en fact, encouraged *en banc* reconsideration knowing Summary Affirmation would motivate seeking *en banc de novo* reconsideration or the true desire of the Panel. The Panel as well as every Eighth Circuit Judge including the five active senior-status judges should now set this matter for briefing before more Article III Judges than are at the Supreme Court. The extraordinary importance of making the [sic] “internet” and all other distant communications broadcasting to unknown parties safe practically requires *en banc* consideration *de novo*. Wholly free speech will become safe for public viewers like commercial movies are today due to tagging.

## **FRAP 32(a)(2)(B)**

1. The dispositive issue of requiring regulation of all distant communications when broadcast to the unknown was addressed collaterally by *Pacifica* and its progeny. The Supreme Court clearly desires to address this complicated issue now as evidenced in the recent *FCC v Fox Inc*, (10-1293) rulings as follow.

*“In light of the Court’s holding that the Commission’s policy failed to provide fair notice it is unnecessary to reconsider Pacifica at this time.”* - Justice Kennedy

*“Time, technological advances, and the Commission’s untenable rulings in the cases now before the Court show why Pacifica bears reconsideration.”* - Justice Ginsburg concurring in the judgment. (with Justice Thomas, J., concurring with Justice Ginsburg concurring with the judgment )

2. *En banc* rulings are generally affirmed by the Supreme Court and *en banc* reconsideration is now sought and preferred by Curtis J Neeley Jr.

## **FRAP 32(a)(2)(C)**

Legal arguments herein are more extraordinary than adequately addressed exclusively by written briefs. The decisional process would be significantly aided by oral arguments and clarifications of the intricate existing written record by lawyer(s) or constitutional law professor(s) who will be asked to present these.

## **CONCLUSION**

1. Mr Neeley has a severe traumatic brain injury (TBI) causing an egregious communications deficit, as has been obvious. Given the extraordinary importance of this matter to everyone on Earth using the [sic] “internet” to communicate, Mr Neeley advises the Eighth Circuit Court the “counselor(s) and/or law “professors”

who may have assisted “anonymously” will present this issue clearly and more respectfully than by one severely brain injured visual artist could *pro se*.

2. The severely damaged mind of Mr Neeley now brings this Reconsideration Request as the pinnacle of this damaged brain or far beyond it. One damaged mind prepared the [3<sup>rd</sup> Amended Complaint](#) now sought addressed *en banc* for final determination due the extraordinary importance of this matter.

3. A disabled *pro se* party, Curtis J Neeley Jr, proceeding *en forma pauperis* now seeks *en banc* reconsideration for final determination to highlight the fairness and accessibility of United States Courts to the entire world.

4. The briefs prepared and entered already will lead to the end of criminal [sic] “internet” Wi-Fi radio broadcasting regardless of any future court action or holding due to the **extraordinary importance of this matter with “pornography” addiction destroying billions of relationships and keeping [sic] “internet” media unsafe**. Distant communications were safer in 1978 except for the beginnings of cable porn-by-wire broadcasting or the first step in communications that will end with time-based communication encoding like [sic] “internet” replacing old AM/FM radio methods.

5. A clerk advised to not include this and only submit 15 pages, as was done. If there is allowance of a scheduling order for hearing *en banc*, Mr Neeley will let counselor(s) present this matter very professionally. The egregious need **to protect ALL distant communications broadcast to the unknown by ANY media** is far beyond a party as brain injured as Mr Neeley in communications. Presentation of the extraordinary matter by legal counselors is assured.

Curtis J. Neeley Jr.  
2619 N Quality Lane  
Suite 123  
Fayetteville, AR 72703

Most Respectfully Submitted,  
/s/ Curtis J Neeley Jr  
Curtis J Neeley Jr